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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 31, 2007

The Honorable Henry A. Waxman  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Dear <sup>Henry</sup> Chairman Waxman:

I remain deeply troubled by the premature charges that you leveled in your September 28, 2007 letter to the State Department Inspector General Howard Krongard.

In that letter, you republished without any apparent inquiry by you or your staff the allegations of two State Department employees that "senior staff attempted to coerce them not to cooperate with the Committee's inquiry and threatened their jobs." At the time, my staff had extensive discussions with yours regarding the failure to make even the most basic inquiry into the validity of those charges. I believe that such an inquiry would have given you pause about smearing the reputation of a career public servant by sending a letter publicly disclosing allegations that had not been substantiated.

Now that we have conducted formal interviews of those employees, the picture is quite different. One of the employees, Brian Rubendall, has now affirmed on the record that he was "never told not to cooperate," and "never told . . . to be anything less than truthful."<sup>1</sup> When asked, "So, as far as you know [she] wanted [him] to cooperate," he responded, "Right."<sup>2</sup> When asked whether he "ever ha[d] a sense that the voluntary

<sup>1</sup> Interview with Brian D. Rubendall, Assistant Special Agent In Charge, Office of Investigations, Office of Inspector General, U.S. Dep't of State by Staff of H. Comm. on Oversight and Gov. Reform, 110th Cong. (Oct. 11, 2007) at 71.

<sup>2</sup> Id.

deposition was cooperating less with the committee," he responded simply, "No."<sup>3</sup> Finally, when asked if it was "fair to say that perhaps there was a misunderstanding," he replied, "Entirely possible. I wouldn't rule it out."<sup>4</sup>

These statements to the Committee in a transcribed interview demonstrate that your public accusations were unwarranted. Just these few questions elicited answers that go a long way to dispelling your grossly exaggerated and inflammatory charges.

Indeed, the transcript has been available for a week, but I have not seen any effort on your part to reconsider your accusations or the propriety of publicly disclosing the one-sided and unquestioned statements to your staff. As a result, you may have ruined the reputation and career of an innocent person.

As I have mentioned to you before, this Committee must not become a place where as long as you say what the Majority wants to hear, you will not be subjected to even minimal scrutiny. This Committee under your leadership must not become the Mike Nifong of Congressional investigations.

I would be glad to discuss this with you further.

Sincerely,



Tom Davis  
Ranking Member

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<sup>3</sup> Id. at 72

<sup>4</sup> Id.